REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-34 are pending in this application.

Finality Improper

Applicant respectfully submits that the finality of the February 28, 2006 Office Action is improper, and respectfully requests that the finality of the February 28, 2006 Office Action be removed.

MPEP §706.07(a) states (emphasis added):

> Under present practice, second or any subsequent actions on the merits shall be final, **except** where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). . . . Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Claims 1-34 stand rejected under 35 U.S.C. §112, 2nd paragraph. However, there was no rejection under 35 U.S.C. §112, 2nd paragraph in the previous Office Action (the September 8, 2005 Office Action). Claims 1, 2, and 8-32 were not amended (nor were their base independent claims amended) in response to any rejections in the September 8, 2005 Office Action, and the 35 U.S.C. §112, 2nd paragraph is not based on information submitted in an information disclosure

statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Furthermore, claims 24-26 were indicated in the previous Office Action (the September 8, 2005 Office Action) as being rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,515,756 to Mastie et al. in view of U.S. Patent No. 6,766,348 to Combs et al. In the present Final Office Action (the February 28, 2006 Office Action), Claims 24-26 are rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,515,756 to Mastie et al. in view of U.S. Patent No. 6,766,348 to Combs et al. and further in view of U.S. Patent No. 6,580,520 to Teradaira et al. Claims 24-26 (and claim 22 from which claims 24-26 depend) were not amended in response to the rejection of claims 24-26 in the September 8, 2005 Office Action, and are not rejected based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Thus, Applicant respectfully submits that the February 28, 2006 Office Action introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), and thus that the February 28, 2006 Office Action should not be made final.

Applicant respectfully requests that the finality of the February 28, 2006 Office Action be removed.

Allowable Subject Matter

Claims 15, 16, 27, and 28 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

35 U.S.C. § 112

Claims 1-34 stand rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully disagrees.

With respect to claims 1-2, the February 28, 2006 Office Action at p. 2 stated that "it is not clearly understood what the term 'sending a service request to a device' means". Applicant respectfully submits that sending a service request to a device is clear. For example, the Specification at p. 4, lines 1-14 recites:

> Servicing of a device refers to obtaining information regarding operation of the device (e.g., one or more metrics relating to usage of the device). The exact information obtained can vary by implementation, based on the types of devices being managed and/or the desires of the manufacturer(s) of the devices 102 or managers 104. Examples of such information that can be obtained include a number of pages printed or scanned, an amount of time the device has been powered-on, an amount of ink or toner used, whether a service door has been opened, whether an input tray is currently empty, whether the device is currently functional or an error has occurred in the device, how long a particular user has been logged in to the device, application(s) that have been executing on the device, how long a particular application has been executing (e.g., in total, while a particular user is logged in, etc.), etc. As used herein, servicing of a device and managing of a device are interchangeable.

The Specification goes on to recite, at p. 5, lines 16-24:

> When servicing a device 102, device service module 126 communicates a service request to the service response module 122 of the device being serviced. Service response module 122 gathers the appropriate information, and optionally performs various functions in response to the service request. A particular function to

be performed (e.g., re-set a page counter) may be specifically
identified in the request, or may be inherent based on the request
(e.g., service response module 122 always resets a page counter in
response to a service request). The gathered information is then
returned to device service module 126.

In light of these examples from the Specification, Applicant respectfully submits
that sending a service request to a device is clear.

With respect to claims 3-7 and 33-34, the February 28, 2006 Office Action
at p. 3 stated that "it is not clearly understood that 'checking an amount of time
that a manager took to service another device' means. If the fact that the service
already took place, while the determination need to make to know whether the
manager device is the desired manager of the other device." Applicant
respectfully disagrees and asserts that "checking an amount of time that a manager
device took to service another device" as recited in claim 3 and to "check an
amount of time that a manager device took to service another device" as recited in
claim 33 are not indefinite.

For example, as discussed above, the Specification at p. 4, lines 1-2 recites
"Servicing of a device refers to obtaining information regarding operation of the
device (e.g., one or more metrics relating to usage of the device)." The
Specification at p. 7, lines 3-9 recites:

> Timing data field 136 indicates the amount of time taken to
> service the device by the current desired manager of the device. In
> one implementation, the amount of time taken to service the device
> refers to the amount of time that elapses between device service
> module 126 sending the service request and receiving the desired
> operation information from the device (thus accounting for network
> latencies both from manager 104 to device 102 and from device 102
> to manager 104).

Thus, it can be seen the Specification does disclose that in one implementation the amount of time taken to service the device would be determined after receiving the desired operation information from the device. As obtaining the information is the servicing of the device, it can be seen that the amount of time taken to service the device would be calculated after servicing of the device, and therefore the Specification does discuss an amount of time that a manager device **took** to service another device. In light of these examples from the Specification, Applicant respectfully submits that "checking an amount of time that a manager took to service another device" is clear.

With respect to claims 8-21, the February 28, 2006 Office Action at p. 3 stated that "'desired manager' is indefinite. How a device to be defined as 'desired' (available immediately or high speed)". Applicant respectfully disagrees and asserts that "desired manager" is not indefinite. For example, the Specification at p. 4, line 18 – page 5, line 4 recites (emphasis added):

> Each of the devices 102 is serviced by one or more of the device managers 104. For each device 102, a particular one of the device managers 104 is deemed to be the desired manager for the device 102. Each device 102 is typically serviced by its desired manager 104, but at various intervals will also be serviced by other managers 104. Which other managers and at what intervals this servicing by other managers will be done is based on a trigger condition, as discussed in more detail below. If one of these other managers, in response to the trigger condition being satisfied, services the device at least a threshold amount of time faster than the current desired manager 104 for that device, then that manager becomes the new desired manager for the device. Over time, the mapping of desired managers to devices will have, for most if not all of the devices, the manager (or one of the managers) that can service a device faster than the other managers be the desired manager for that device.

In light of these examples from the Specification, Applicant respectfully submits that "desired manager" is not indefinite.

With respect to claims 22-32, the February 28, 2006 Office Action at p. 3 stated that "it is not clearly understood what device manager means". Applicant respectfully disagrees and asserts that, in light of the examples from the Specification discussed above, "device manager" is clear. Additionally, further detail regarding the device manager can be found in Fig. 2 and the accompanying discussion in the Specification.

For at least these reasons, Applicant respectfully submits that claims 1-34 comply with 35 U.S.C. §112, second paragraph.

35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,515,756 to Mastie et al. (hereinafter "Mastie") in view of U.S. Patent No. 6,490,052 to Yanagidaira (hereinafter "Yanagidaira"). Applicant respectfully submits that claim 1 is not obvious over Mastie in view of Yanagidaira.

Mastie is directed to providing a common repository for print attribute values to be applied to transform processes executing in multiple controllers in a network printing system (see, col. 1, lines 27-29). A print attribute refers to any type of control factor that is used to affect the print transform process which generates an output data stream that controls the printer, including form definitions, page definitions, page segments, overlays, and fonts (see, col. 2, lines 15-41). A printer manager routes print jobs received from clients to one of a

plurality of printer controllers (see, col. 4, lines 3-5). The printer controllers are each capable of executing multiple instances of printer daemons that can each transform an input data file to a format that may be processed by the printer (see, col. 4, lines 8-12). When the printer manager receives a print job, the printer manager determines the type of printer daemon to use based on the type of input data file (see, col. 5, lines 50-54). After determining the type of printer daemon, the printer manager would then select a printer daemon available in one of the controllers (see, col. 5, lines 54-57). After selecting a printer daemon type and particular printer daemon from one of the printer controllers, the printer manager would then determine print attribute values by examining configuration files in the network, and would then invoke the selected printer daemon and transmit the determined print attribute values to the invoked printer daemon (see, col. 5, line 65 – col. 6, line 4).

Yanagidaira is directed to a printer controller installed for a printer which is connected to a network (see, col. 1, lines 7-9). As discussed in the Abstract of Yanagidaira, the printer controller controls the shared printer of a network to which the clients are connected. The clients are provided with browsers. The printer controller operates on the printer server which has a function of sending home page data containing information about the shared printer corresponding to URL from the clients connected to the network. The printer controller sends the home page data containing the information about the shared printer and performs at least one or more of operation monitoring, check and instruction of the shared printer connected to the printer server according to the received URL indicating a request of that.

In contrast, claim 1 recites:

> A method, implemented by a computing device, the method comprising:
> sending a service request to a device, wherein the service request is a request for data relating to the operation of the device; and
> determining, based at least in part on an amount of time taken to service the device, whether the computing device is to be identified as typically servicing the device.

Applicant respectfully submits that Mastie in view of Yanagidaira does not disclose or suggest the method of claim 1.

In the February 28, 2006 Office Action at p. 4, Mastie is cited as teaching the determining of claim 1. Applicant respectfully submits that no such determining is disclosed or suggested in Mastie. Mastie discusses that when the printer manager receives a print job, the printer manager determines the type of printer daemon to use, e.g., PS2AFP, D2AFP, TIFF2AFO, etc., based on the type of input data file, e.g., PostScript, ditoff, TIFF, etc. (see, col. 5, lines 50-54). Mastie also discusses that after determining the type of printer daemon, the printer manager would then select a printer daemon available in one of the controllers (see, col. 5, lines 54-57). The printer daemon then generates the output data stream (see, col. 6, lines 4-7).

Thus, it can be seen that Mastie discusses determining which printer daemon to invoke to generate the output data stream. Any determining that is performed by the printer manager is determining which printer daemon to use, not any sort of determining based on the printer daemon having already generated the output stream. Nowhere in Mastie is there any discussion or mention of any determining based on the printer daemon that has already generated the output

stream. As such, Applicant respectfully submits that Mastie cannot disclose or suggest any determining based at least in part on an amount of time taken to service the device as recited in claim 1.

With respect to Yanagidaira, Yanagidaira is not cited as curing, and does not cure, these deficiencies of Mastie.

In the February 28, 2006 Office Action at pp. 17-18, it was asserted that:

> Applicant argued in substance that
> (1) Nowhere Mastie teaches determining based on the printer daemon that has already generated the output stream..... amount taken to service the device.
>
> . . .
> As to point 1, the whole arguments applicant made is trying to point out sections examiner did not cite, repeat rejection, and stated that the prior art did not read on it. However, applicant failed to explain the invention and failed to point out how the prior art did not meet the claimed language. Many claimed languages are indefinite. This argument also discussed in the rejection 112 second paragraph above. Claim 1 does not read as the amount has already generated for the service. It is read on the amount of time available to service the device as disclosed in the specification. When the device is available, the amount of time taken (between the elapsed time to the time operate the next) is zero.

Applicant respectfully disagrees. Applicant did point out in the previous response how Mastie in view of Yanagidaira does not disclose the determining of claim 1. Claim 1 clearly recites that the determining is based at least in part on an amount of time taken to service the device. This, as clearly identified in claim 1 and the specification, refers to the amount of time taken to service the device. As discussed above in the 35 U.S.C. § 112, 2nd paragraph rejection, as obtaining the information regarding operation of the device is the servicing of the device, it can be seen that the amount of time taken to service the device would be calculated after servicing of the device. Mastie, as discussed above, discusses determining

which printer daemon to invoke to generate the output data stream, not some determining based on the printer daemon that has already generated the output stream. As the determining in Mastie is before generation of the output stream, Applicant respectfully submits that the determining of Mastie cannot disclose or suggest a determining that is calculated after servicing of a device as recited in claim 1.

Applicant disagrees with the assertion that "When the device is available, the amount of time taken (between the elapsed time to the time operate the next) is zero". For example, the Specification at p. 7, lines 3-9 recites:

> Timing data field 136 indicates the amount of time taken to service the device by the current desired manager of the device. In one implementation, the amount of time taken to service the device refers to the amount of time that elapses between device service module 126 sending the service request and receiving the desired operation information from the device (thus accounting for network latencies both from manager 104 to device 102 and from device 102 to manager 104).

Thus, it can be seen in this implementation that the amount of time taken to service a device accounts for latencies both from the manager to the device and from the device to the manager. Furthermore, any latencies on the part of the device in responding to the service request would be included in the amount of time taken to service the device. Because of these latencies, the amount of time taken would not be zero.

For at least these reasons, Applicant respectfully submits that claim 1 is allowable over Mastie in view of Yanagidaira.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Mastie in view of Yanagidaira and in view of U.S. Patent No. 6,580,520 to

Teradaira et al. (hereinafter "Teradaira"). Applicant respectfully submits that claim 2 is not obvious over Mastie in view of Yanagidaira in view of Combs.

Teradaira is directed to a printing apparatus and methods for controlling initialization process(es) carried out by the printing apparatus (see, col. 1, lines 10-12). As discussed in the Abstract of Teradaira, Teradaira discusses a printer and methods of controlling the initialization process(es) of the printer according to the length of a reset signal sent from a host computer. The printer preferably has a printing mechanism for printing text or graphics based on commands and print data received from the host device, a controller for controlling printer operation including the execution of the initialization process(es), an interface for receiving at least one reset signal from the host device; and a timer circuit for measuring the duration of each reset signal. The controller controls which one, if any, of a plurality of specific initialization processes are to be performed based on the duration of a respective reset signal. By controlling the initialization process according to the duration, the printer can perform a reset operation appropriate to the status of the host.

Claim 2 depends from claim 1, and Applicant respectfully submits that claim 2 is allowable over Mastie in view of Yanagidaira for at least the reasons discussed above with respect to claim 1. Teradaira is not cited as curing, and does not cure, the deficiencies of Mastie in view of Yanagidaira discussed above with respect to claim 1. Accordingly, for at least these reasons, Applicant respectfully submits that claim 2 is allowable over Mastie in view of Yanagidaira in view of Teradaira.

Claims 3, 5-7, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,348,971 to Owa et al. (hereinafter "Owa") in view of Mastie. Applicant respectfully submits that claims 3, 5-7, and 33 are not obvious over Owa in view of Mastie.

Owa is directed to a printing system and a printing method for enabling a particular printer to be selected from among many printers connected to a host computer (see, col. 1, lines 8-10). As discussed in the Abstract of Owa, a printer selection device selects an optimum printer for printing a document based on user information indicating such conditions as print commands and specifications, and based on printer information concerning print environments of the printers and causes the optimum printer to print the document. An optimum printer can be selected for each document, or each page of a document.

With respect to claim 3, claim 3 recites:

> A computer implemented method comprising:
> checking an amount of time that a manager device took to service another device; and
> determining, based at least in part on the amount of time, whether the manager device is a desired manager of the other device.

Applicant respectfully submits that Owa in view of Mastie does not disclose or suggest the method of claim 3.

Owa, as discussed above, is directed to selecting an optimum printer for printing a document based on user information indicating such conditions as print commands and specifications, and based on printer information concerning print environments of the printers. Although Owa discusses maintaining information such as print speed (see, Fig. 9a), Owa is directed to selecting an optimum printer for printing a document. Owa does not discuss making any determinations based

on an amount of time that a device took to service another device, or of why one would want to make any determinations based on an amount of time that a device took to service another device. As there is no such discussion or mention in Owa, Applicant respectfully submits that Owa cannot disclose or suggest determining, based at least in part on an amount of time that a manager device took to service another device, whether the manager device is a desired manager of the other device as recited in claim 3.

With respect to Mastie, Mastie discusses that when the printer manager receives a print job, the printer manager determines the type of printer daemon to use, e.g., PS2AFP, D2AFP, TIFF2AFO, etc., based on the type of input data file, e.g., PostScript, ditoff, TIFF, etc. (see, col. 5, lines 50-54). Mastie also discusses that after determining the type of printer daemon, the printer manager would then select a printer daemon available in one of the controllers (see, col. 5, lines 54-57). The printer daemon then generates the output data stream (see, col. 6, lines 4-7). Thus, it can be seen that Mastie discusses determining which printer daemon to invoke to generate the output data stream. Any determining that is performed by the printer manager is determining which printer daemon to use.

In claim 3, however, the checking refers to the time that a manager device took to service the other device. Thus, the checking and determining of claim 3 are for the other device that has already been serviced. Mastie, on the other hand, discusses determining which printer daemon to invoke to generate the output data stream. Any determining that is performed by the printer manager is determining which printer daemon to use, not any sort of determining based on the printer daemon having already generated the output stream. Nowhere in Mastie is there

any discussion or mention of any determining based on the printer daemon that has already generated the output stream. As such, Applicant respectfully submits that Mastie cannot disclose or suggest determining, based at least in part on an amount of time that a manager device took to service another device, whether the manager device is a desired manager of the other device as recited in claim 3.

As neither Owa nor Mastie discloses or suggests the determining of claim 3, Applicant respectfully submits that Owa in view of Mastie does not disclose or suggest the determining of claim 3. Accordingly, for at least these reasons, Applicant respectfully submits that claim 3 is allowable over Owa in view of Mastie.

With respect to claim 5, claim 5 depends from claim 3, and Applicant respectfully submits that claim 5 is allowable over Owa in view of Mastie for at least the reasons discussed above with respect to claim 3. Furthermore, claim 5 recites:

> A method as recited in claim 3, wherein the manager device was not, when servicing the other device, the desired manager of the other device.

Applicant respectfully submits that Owa in view of Mastie does not disclose or suggest the method of claim 5.

In the February 28, 2006 Office Action at p. 7 it was asserted that:

> As to claim 5, Owa teaches the step of wherein the manager device was not, when servicing the other device, the desired manager of the other device (figure 4).

As discussed at col. 4, lines 60-65, Figure 4 of Owa shows an example of the status information retained in the status monitor section 13. In the figure, operation state, paper size and remaining paper amount, and remaining ink/toner

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amount are set as the status information for each of the four printers identified as names PRN1 to PRN4.

Thus, in the rejection of claim 5, the status information retained for multiple printers is relied on as disclosing wherein the manager device was not, when servicing the other device, the desired manager of the other device. It is unclear how information such as operation state, paper size, remaining paper amount, and remaining ink/toner for multiple printers can disclose wherein the manager device was not, when servicing the other device, the desired manager of the other device. There is no discussion or mention in Figure 4 of a desired manager of a device, much less that the manager device was not, when servicing the other device, the desired manager of the other device as recited in claim 5.

With respect to Mastie, Mastie is not cited as curing, and does not cure, these deficiencies of Owa. Accordingly, for at least these reasons, Applicant respectfully submits that claim 5 is allowable over Owa in view of Mastie.

With respect to claims 6 and 7, given that claims 6 and 7 depend from claim 3, Applicant respectfully submits that claims 6 and 7 are likewise allowable over Owa in view of Mastie for at least the reasons discussed above with respect to claim 3.

With respect to claim 33, Applicant respectfully submits that, analogous to the discussion above regarding claim 3, Owa in view of Mastie does not disclose or suggest a hardware selection module coupled to access the device service table and configured to check an amount of time that a manager device took to service another device, and determine, based at least in part on the amount of time, whether the manager device is a desired manager of the other device as recited in

claim 33. For at least these reasons, Applicant respectfully submits that claim 33 is allowable over Owa in view of Mastie.

Claims 4 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Owa in view of Mastie and further in view of Teradaira. Applicant respectfully submits that claims 4 and 34 are not obvious over Owa in view of Mastie and further in view of Teradaira.

With respect to claim 4, claim 4 depends from claim 3, and Applicant respectfully submits that claim 4 is allowable over Owa in view of Mastie for at least the reasons discussed above with respect to claim 3. Teradaira is not cited as curing, and does not cure, the deficiencies of Owa in view of Mastie discussed above with respect to claim 3. Accordingly, Applicant respectfully submits that claim 4 is allowable over Owa in view of Mastie and further in view of Teradaira.

With respect to claim 34, claim 34 depends from claim 33, and Applicant respectfully submits that claim 34 is allowable over Owa in view of Mastie for at least the reasons discussed above with respect to claim 33. Teradaira is not cited as curing, and does not cure, the deficiencies of Owa in view of Mastie discussed above with respect to claim 33. Accordingly, Applicant respectfully submits that claim 34 is allowable over Owa in view of Mastie and further in view of Teradaira.

Claims 22 and 29-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mastie in view of U.S. Patent No. 6,766,348 to Combs et al. (hereinafter "Combs"). Applicant respectfully submits that claims 22 and 29-32 are not obvious over Mastie in view of Combs.

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Combs is directed to a method and system for load-balanced data exchange in distributed network-based resource allocation (see, Title). As discussed in the Abstract of Combs, a distributed resource allocator system comprises a number of identical processes running on one or more computers attached to the communications network. Application programs request allocation of resources from a local distributed resource allocator system process running using a resource allocator applications programming interface. Application programs request allocation of resource from a remote distributed resource allocator system process via a resource allocator access protocol. The distributed resource allocator system is fault-tolerant and provides contention control and load balancing. The resource allocator system also manages information about the capacities and capabilities of resources connected to the communications network. Application programs can thus be easily written to make use of distributed resources connected to a communications network without having to manage global network information and without needing complex contention control and load balancing subroutines.

With respect to claim 22, claim 22 recites:

> One or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a computing device, causes the one or more processors to perform acts comprising:
>
> receiving, from a device manager, a request for an identification of one or more devices to be serviced by the device manager;
>
> identifying, to the device manager, one or more devices for which the device manager is the desired manager;
>
> for a plurality of additional devices for which the device manager is not the desired manager, checking whether a trigger condition is satisfied; and

for each device for which the device manager is not the desired manager and for which the trigger condition is satisfied, identifying the device to the device manager.

Applicant respectfully submits that no such computer readable media is disclosed or suggested by Mastie in view of Combs.

In the February 28, 2006 Office Action at p. 9 the printer manager accessing configuration file to identify the print attributes of Mastie is cited as teaching the receiving of claim 22. Applicant respectfully disagrees and submits that Mastie does not disclose or suggest receiving, from a device manager, a request for an identification of one or more devices to be serviced by the device manager as recited in claim 22. As discussed above, the print attributes of Mastie are determined by examining configuration files in a network (see, col. 5, line 67 – col. 6, line 1). These print attributes include form definitions, page definitions, page segments, overlays, and fonts (see, col. 2, lines 15-41). Nowhere in this discussion of examining configuration files to determine print attributes is there any discussion or mention of receiving a request for an identification of one or more devices to be serviced by the device manager, much less of receiving the request from the device manager. Without any such discussion or mention, Applicant respectfully submits that Mastie cannot disclose or suggest receiving, from a device manager, a request for an identification of one or more devices to be serviced by the device manager as recited in claim 22.

With respect to Combs, Combs is not cited as curing, and does not cure, these deficiencies of Mastie.

In the February 28, 2006 Office Action at pp. 17-18, it was asserted that:

Applicant argued in substance that

. . .

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(2) Mastie does not teach receiving, from a device manager, a request for an identification of one or more devices.

. . .

As to point 2, the identification is inherent for the device to distinguish one from another.

Applicant respectfully disagrees. The receiving element of claim 22 recites more than simply an identification of one or more devices. The receiving element of claim 22 recites receiving, from a device manager, a request for an identification of one or more devices to be serviced by the device manager. Accessing a configuration file to identify the print attributes of Mastie does not disclose or suggest receiving a request for an identification of one or more devices **to be serviced by the device manager**, much less of receiving the request **from a device manager** as recited in claim 22.

For at least these reasons, Applicant respectfully submits that claim 22 is allowable over Mastie in view of Combs.

With respect to claims 29, 31, and 32, given that claims 29, 31, and 32 depend from claim 22, Applicant respectfully submits that claims 29, 31, and 32 are likewise allowable over Mastie in view of Combs for at least the reasons discussed above with respect to claim 22.

With respect to claim 30, given that claim 30 depends from claim 22, Applicant respectfully submits that claim 30 is likewise allowable over Mastie in view of Combs for at least the reasons discussed above with respect to claim 22. Furthermore, Mastie in view of Combs is cited in the February 28, 2006 Office Action at pp. 9-10 as teaching claim 30. Applicant respectfully disagrees.

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Claim 30 recites:

> One or more computer readable media as recited in claim 22, wherein checking whether the trigger condition is satisfied comprises:
> generating a random value;
> determining whether the random value is less than a particular value;
> determining that the trigger condition is satisfied if the random value is less than the particular value.

Applicant respectfully submits that no such generating and determining is disclosed or suggested in Mastie in view of Combs.

Applicant respectfully submits that there is no discussion or mention in Mastie or Combs of generating **a random value** and determining that the trigger condition is satisfied if the random value is less than the particular value as recited in claim 30. Simply disclosing a max wait duration argument in Combs that specifies the maximum time which the user will wait for the resource to be allocated does not provide any disclosure or suggestion of generating a random value, much less of determining that the trigger condition is satisfied if the random value is less than the particular value as recited in claim 30.

In the February 28, 2006 Office Action at pp. 17-19, it was asserted that:

> Applicant argued in substance that
>
> . . .
> (3) Combs does not teach generating a random value and the trigger condition is satisfied if the random value is less than the particular value.
> . . .
> As to point 3, again, applicant does not clearly claimed what the condition is. The term is also indefinite. Examiner reads it as max wait duration.

Applicant respectfully disagrees. As discussed above in the response to the 35 U.S.C. § 112, 2nd paragraph rejection, the language of claim 30 is not indefinite. The February 28, 2006 Office Action does not identify where in Combs the generating of a random value is disclosed. The mere disclosure of a max wait duration argument in Combs that specifies the maximum time which the user will wait for the resource to be allocated does not provide any disclosure or suggestion of generating a random value, and furthermore does not provide any disclosure or suggestion of determining that the trigger condition is satisfied if the random value is less than the particular value as recited in claim 30.

For at least these reasons, Applicant respectfully submits that claim 30 is allowable over Mastie in view of Combs.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Mastie in view of Combs and in view of Yanagidaira. Applicant respectfully submits that claim 23 is not obvious over Mastie in view of Combs and in view of Yanagidaira.

Claim 23 depends from claim 22, and Applicant respectfully submits that claim 23 is allowable over Mastie in view of Combs for at least the reasons discussed above with respect to claim 22. Yanagidaira is not cited as curing, and does not cure, the deficiencies of Mastie in view of Combs discussed above with respect to claim 22. Accordingly, Applicant respectfully submits that claim 23 is allowable over Mastie in view of Combs and in view of Yanagidaira.

Claims 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mastie in view of Combs and further in view of Teradaira. Applicant

respectfully submits that claims 24-26 are not obvious over Mastie in view of Combs and further in view of Teradaira.

With respect to claims 24 and 25, given that claims 24 and 25 depend from claim 22, Applicant respectfully submits that claims 24 and 25 are likewise allowable over Mastie in view of Combs for at least the reasons discussed above with respect to claim 22. With respect to Teradaira, Teradaira is not cited as curing, and does not cure, the deficiencies of Mastie in view of Combs discussed above with respect to claim 22. Accordingly, for at least these reasons, Applicant respectfully submits that claims 24 and 25 are allowable over Mastie in view of Combs and further in view of Teradaira.

With respect to claim 26, given that claim 26 depends from claim 24, Applicant respectfully submits that claim 26 is likewise allowable over Mastie in view of Combs and further in view of Teradaira for at least the reasons discussed above with respect to claim 24. Furthermore, Combs is cited in the February 28, 2006 Office Action at p. 13 as teaching "wherein the decision threshold (max wait duration, col. 11 lines 35-40) is equal to the amount of time taken by the last desired manager of the device to service the device". Applicant respectfully disagrees, and asserts that Combs does not disclose or suggest wherein the decision threshold is equal to the amount of time taken by the desired manager of the device to service the device.

Combs discusses an "Allocate-Resource" function having a "max wait duration" argument supplied to it (see, col. 11, lines 34-37). The "max wait duration" argument specifies the maximum time which the user will wait for the resource to be allocated (see, col. 11, lines 38-40). Applicant respectfully submits

that there is no discussion or mention in Combs of **how this max wait duration is generated**, much less that this max wait duration is **equal to the amount of time taken by a desired manager of a device to service the device.** Without any such discussion or mention, Applicant respectfully submits that Combs cannot disclose or suggest wherein the decision threshold is equal to the amount of time taken by the desired manager of the device to service the device as recited in claim 26.

With respect to Mastie and Teradaira, Mastie and Teradaira are not cited as curing, and do not cure, these deficiencies of Combs.

In the February 28, 2006 Office Action at pp. 17-19, it was asserted that:

> Applicant argued in substance that
>
> . . .
> (5) Combs does not teach the threshold.
>
> . . .
> As to point 5, Threshold of the time is the max time it can
> wait, and Combs teach the max wait duration (col. 11).

Applicant respectfully disagrees. As pointed out above, there is no discussion or mention in Combs of how the max wait duration is generated, much less that this max wait duration is equal to the amount of time taken by a desired manager of a device to service the device. Without any discussion or mention that the max wait duration is equal to the amount of time taken by a desired manager of a device to service the device, Applicant respectfully submits that Combs cannot disclose or suggest wherein the decision threshold is equal to the amount of time taken by the desired manager of the device to service the device as recited in claim 26.

For at least these reasons, Applicant respectfully submits that claim 26 is allowable over Mastie in view of Combs and further in view of Teradaira.

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PAGE 36/45 * RCVD AT 4/26/2006 2:11:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/33 * DNIS:2738300 * CSID:15093238979 * DURATION (mm-ss):12-04

Claims 8-14 and 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,682,304 to Tierney (hereinafter "Tierney") in view of Mastie and further in view of Combs. Applicant respectfully submits that claims 8-14 and 17-21 are not obvious over Tierney in view of Mastie and further in view of Combs.

Tierney is directed to an interface for controlling asynchronous communication between a digital computer and an input/output device such as a high-speed keyboard-equipped graphics terminal (see, col. 1, lines 14-18). As discussed in the Abstract of Tierney, the interface includes a microprocessor and a memory addressable thereby. The microprocessor controls data transfer from the host computer into an output buffer maintained within the memory and controls subsequent data transfer from the output buffer to an output device, independently of the operation of the host computer. Data received from the host computer is stored directly into an appropriate output buffer storage location without any time-consuming reading and writing of the data by the microprocessor. This is accomplished by providing a hardware register for storing data received from the host computer. At the appropriate time data transfer from the microprocessor to the memory is disabled, and data transfer from the register to the memory is enabled. Data is thus rapidly transferred from the register directly into the memory location addressed by the microprocessor.

With respect to claim 8, claim 8 recites:

> One or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a device manager, causes the one or more processors to perform acts comprising:
> identifying a device to be serviced;

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> checking whether the device manager is a desired manager for the device;
>
> if the device manager is the desired manager for the device, then servicing the device; and
>
> if the device manager is not the desired manager for the device, then checking whether a trigger condition is satisfied and servicing the device if the trigger condition is satisfied.

Applicant respectfully submits that no such computer readable media is disclosed or suggested by Tierney in view of Mastie and further in view of Combs.

Applicant respectfully submits that there is no disclosure or suggestion in the cited references of following one course of action if a device manager is the desired manager for a device, and another course of action if the device manager is not the desired manager for the device. As recited in claim 8, these two courses of action are: (1) servicing the device (if the device manager is the desired manager for the device); and (2) checking whether a trigger condition is satisfied and servicing the device if the trigger condition is satisfied (if the device manager is not the desired manager for the device). Applicant respectfully submits that nowhere in Mastie, Tierney, or Combs is there any discussion or suggestion of such two different courses of action based on whether the device manager is the desired manager for the device as recited in claim 8.

In the February 28, 2006 Office Action at p. 10, Combs is cited as teaching checking whether a trigger condition before servicing the device (col. 11, lines 35-40). This cited portion of Combs reads as follows:

> The function "Allocate-Resource" represents a request by a user to allocate the specified resource. Arguments supplied to Allocate-Resource include: (1) a session context; (2) a service priority; (3) a resource class; (4) max wait duration; (5) request time; and (6) wait priority. The argument "max wait duration" specifies the maximum time which the user will wait for the resource to be allocated.

However, nowhere in Combs is there any discussion or mention of checking whether a trigger condition is satisfied if the device manager is not the desired manager for the device. There mere discussion of the Allocate-Resource function and its arguments does not provide any disclosure or suggestion of performing the checking as recited in claim 8 if the device manager is not the desired manager for device. As such, Applicant respectfully submits that the cited references do not disclose or suggest the computer readable media of claim 8.

For at least these reasons, Applicant respectfully submits that claim 8 is allowable over Tierney in view of Mastie and further in view of Combs.

With respect to claim 9, claim 9 depends from claim 8, and Applicant respectfully submits that claim 9 is allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 8. Furthermore, Tierney is cited in the February 28, 2006 Office Action at p. 15 as teaching "wherein identifying the device to be serviced comprises selecting the device from a table accessible to the device manager (table, col. 16 lines 9-15)". Applicant respectfully disagrees, and asserts that Tierney does not disclose or suggest wherein identifying the device to be serviced comprises selecting the device from a table accessible to the device manager.

The cited portion of Tierney reads:

RAM 26 contains tables of address which point to the next available sequential storage locations in each of OUTBUFs 28, the location of the "oldest" data character in each of OUTBUFs 28 which has not yet been outputted to the associated output device, and corresponding pointers to each of INBUFs 48 . . . .

An OUTBUF is a separate temporary, cyclical, output storage buffer maintained in RAM for each of the four output channels (see, col. 5, lines 21-23). OUTBUFs

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each include 2,048 sequentially addressable one-byte storage locations used in pairs to store a data character and an "attribute code" which is utilized to control some aspects of the manner in which the data character is transmitted to the output device (see, col. 5, lines 25-31). An INBUF is a similar separate, cyclical, input storage buffer maintained in RAM for each input channel (see, col. 5, lines 23-25).

Applicant respectfully submits that there is no disclosure or suggestion in Tierney of the OUTBUFs or INBUFs being a table from which a device to be serviced is selected. The OUTBUFs are output storage buffers, while the INBUFs are input storage buffers. Applicant respectfully submits that the mere disclosure of output and input storage buffers does not disclose or suggest a table from which a device to be serviced is selected, much less wherein identifying the device to be serviced comprises selecting the device from a table accessible to the device manager as recited in claim 9.

With respect to Mastie and Combs, Mastie and Combs are not cited as curing, and do not cure, these deficiencies of Tierney.

For at least these reasons, Applicant respectfully submits that claim 9 is allowable over Tierney in view of Mastie and further in view of Combs.

With respect to claim 10, claim 10 depends from claim 8, and Applicant respectfully submits that claim 10 is allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 8. Furthermore, Tierney is cited in the February 28, 2006 Office Action at p. 15 as teaching "wherein identifying the device to be serviced comprises receiving an indication (point to next, col. 16 lines 9-15) of the device from a central database". Applicant respectfully disagrees, and asserts that Tierney does

not disclose or suggest wherein identifying the device to be serviced comprises receiving an indication of the device from a central database.

As discussed above with respect to claim 9, the cited portion of Tierney discusses input storage buffers and output storage buffers. Applicant respectfully submits that the mere disclosure of output and input storage buffers does not disclose or suggest a central database from which an indication of the device to be serviced is received as recited in claim 9.

With respect to Mastie and Combs, Mastie and Combs are not cited as curing, and do not cure, these deficiencies of Tierney.

For at least these reasons, Applicant respectfully submits that claim 10 is allowable over Tierney in view of Mastie and further in view of Combs.

With respect to claim 11, claim 11 depends from claim 8, and Applicant respectfully submits that claim 11 is allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 8. Furthermore, Tierney is cited in the February 28, 2006 Office Action at p. 15 as teaching "wherein the plurality of instructions further cause the one or more processors to perform acts comprising updating a last service time for the device (the oldest .... Devices, col. 16 lines 10-15)". Applicant respectfully disagrees, and asserts that Tierney does not disclose or suggest wherein the plurality of instructions further cause the one or more processors to perform acts comprising updating a last service time for the device.

As discussed above with respect to claim 9, the cited portion of Tierney discusses input storage buffers and output storage buffers. As discussed above, the cited portion also discloses that tables of addresses point to the location of the

"oldest" data character in each of OUTBUFs which has not yet been outputted to the associated device. However, Applicant respectfully submits that the mere disclosure of addresses that point to the oldest data character that has not yet been outputted do not disclose or suggest updating **a last service time** for the device as recited in claim 11. The addresses in the cited portion of Tierney identify the oldest data character, not a last service time. Accordingly, Applicant respectfully submits that Tierney does not disclose or suggest wherein the plurality of instructions further cause the one or more processors to perform acts comprising updating a last service time for the device as recited in claim 11.

With respect to Mastie and Combs, Mastie and Combs are not cited as curing, and do not cure, these deficiencies of Tierney.

For at least these reasons, Applicant respectfully submits that claim 11 is allowable over Tierney in view of Mastie and further in view of Combs.

With respect to claim 12, claim 12 depends from claim 8, and Applicant respectfully submits that claim 12 is allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 8.

With respect to claim 13, claim 13 depends from claim 12, and Applicant respectfully submits that claim 13 is allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 12. Furthermore, analogous to the discussion above regarding claim 9, Applicant respectfully submits that Tierney in view of Mastie and further in view of Combs does not disclose or suggest wherein identifying the device manager as the desired manager for the device comprises identifying the device manager in a

table entry corresponding to the device as recited in claim 13. For at least these reasons, Applicant respectfully submits that claim 13 is allowable over Tierney in view of Mastie and further in view of Combs.

With respect to claim 14, claim 14 depends from claim 12, and Applicant respectfully submits that claim 14 is allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 12. Furthermore, Combs is cited in the February 28, 2006 Office Action at p. 16 as teaching "wherein the decision threshold (max wait duration, col. 11 lines 35-40) is equal to the amount of time taken by the last desired manager of the device to service the device". Applicant respectfully disagrees, and asserts that Combs does not disclose or suggest wherein the decision threshold is equal to the amount of time taken by the last desired manager of the device to service the device.

Combs discusses an "Allocate-Resource" function having a "max wait duration" argument supplied to it (see, col. 11, lines 34-37). The "max wait duration" argument specifies the maximum time which the user will wait for the resource to be allocated (see, col. 11, lines 38-40). Applicant respectfully submits that there is no discussion or mention in Combs of **how this max wait duration is generated**, much less that this max wait duration **is equal to the amount of time taken by the last desired manager of the device to service the device.** Without any such discussion or mention, Applicant respectfully submits that Combs cannot disclose or suggest wherein the decision threshold is equal to the amount of time taken by the last desired manager of the device to service the device as recited in claim 14.

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With respect to Mastie and Tierney, Mastie and Tierney are not cited as curing, and do not cure, these deficiencies of Combs.

For at least these reasons, Applicant respectfully submits that claim 14 is allowable over Tierney in view of Mastie and further in view of Combs.

With respect to claims 17 and 18, claims 17 and 18 depend from claim 8, and Applicant respectfully submits that claims 17 and 18 are allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 8.

With respect to claim 19, given that claim 19 depends from claim 8, Applicant respectfully submits that claim 19 is likewise allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 8. Furthermore, Mastie in view of Combs is cited in the February 28, 2006 Office Action at p. 16 as teaching claim 19. Applicant respectfully disagrees. Claim 19 recites:

> One or more computer readable media as recited in claim 8, wherein checking whether the trigger condition is satisfied comprises:
> generating a random value;
> determining whether the random value is less than a particular value; and
> determining that the trigger condition is satisfied if the random value is less than the particular value.

Applicant respectfully submits that no such generating and determining is disclosed or suggested in Tierney in view of Mastie and further in view of Combs.

Applicant respectfully submits that there is no discussion or mention in Tierney or Mastie or Combs of generating a random value and determining that the trigger condition is satisfied if the random value is less than the particular

value as recited in claim 19. Simply disclosing a max wait duration argument in Combs that specifies the maximum time which the user will wait for the resource to be allocated does not provide any disclosure or suggestion of generating a random value, much less of determining that the trigger condition is satisfied if the random value is less than the particular value as recited in claim 19.

For at least these reasons, Applicant respectfully submits that claim 19 is allowable over Tierney in view of Mastie and further in view of Combs.

With respect to claims 20 and 21, claims 20 and 21 depend from claim 8, and Applicant respectfully submits that claims 20 and 21 are allowable over Tierney in view of Mastie and further in view of Combs for at least the reasons discussed above with respect to claim 8.

Applicant respectfully requests that the §103 rejections be withdrawn.

Conclusion

Claims 1-34 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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